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May 27, 2010

VIA ELECTRONIC FILING

The Honorable Esther Salas, U.S.M.J.
Martin Luther King, Jr. Federal Building & U.S. Courthouse
Court Room 2D
50 Walnut Street
Newark, New Jersey 07101

Re: Karama Thomas v. Newark Police Department
Civil Action No.: 08-2452 (PGS)
Our File No.: 01000-0019

Dear Judge Salas:

I am in receipt of Mr. Hyderally's letter to Your Honor. Mr. Hyderally attempts to deflect the Judge Casale issue by referencing the "revised" May 20, 2010 report that was sent to us in error without the redactions. And as Mr. Hyderally correctly points out, as soon as we were notified of same, we destroyed the unredacted report sent in error. This is not the document in issue. Our letter of yesterday refers to the May 18, 2010 facsimile sent to Dr. Greenfield by plaintiff's counsel (**Exhibit 2**, May 26, 2010 correspondence), eleven weeks after Your Honor's directive that the Judicial Advisory Committee's ruling not be disclosed.

Moreover, Dr. Greenfield's revision of his expert report without speaking to or re-interviewing the plaintiff is highly unorthodox. Dr. Greenfield testified yesterday that the changes were submitted to him by plaintiff's counsel. We take exception to the characterization of the changes as "ministerial" noting that some of them were substantive. Accordingly, it is our position that this is not a privilege issue. Quite frankly, if we are talking about a single line letter of transmittal, it was unnecessary for

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plaintiff's counsel to remove it from the remainder of the fax at yesterday's deposition. It would have made our application to Your Honor unnecessary especially in light of the fact that I placed our objection on the record and indicated to plaintiff's counsel that I would be writing Your Honor regarding same. So, we did not create this situation. Certainly to expedite the resolution of this issue, we would welcome an in-camera review of the cover letter and Your Honor's ruling.

Thank you for Your Honor's courteous attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael A. D'Anton", written in a cursive style.

MICHAEL A. D'ANTON
For the Firm

MAD:dbm

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